UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/842,127	04/26/2001	Reginald C. Shiverick	2589-101	6542

6449	7590	06/14/2006

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ART UNIT	PAPER NUMBER
2162	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _ MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 March 2006*.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-32 and 34-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-32 and 34-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-32 and 34-48 are pending in this application.

Response to Arguments

2.   Applicant's arguments with respect to claims 1 and 37 have been considered but
are moot in view of the new ground(s) of rejection.

Applicant argues "Shiiyama simply fail to disclose a filter tree table with
selectable data grouping. Instead, Shiiyam's "search condition" is either the selection of
a thumbnail image or the inputting of an initial search word. Since Shiiyama fails to
disclose the claimed selectable data groupings, it follow that Shiiyama also fails to teach
or suggest accepting an input from a user to select or de-select at least one of the data
grouping, as recited in claims 1 and 37. Similarly, Shiiyama fails to teach or suggest
generating a filtering query based on the selected data groupings, as recited by claim 1
and 37."

The examiner respectfully disagrees with the above argument. Shiiyama
discloses "selecting the a thumbnail image similar to his or her desired image data. In
step S303, the image feature amount of the image data selected by the user is required
from the image management DB 13. The image feature index 9 is searched for similar
image data to the selected image data on the basic of the acquired image feature
amount: (col. 9, lines 30-36). This suggests the searching for similar image data based
on the selected image, which corresponds to the selecting a thumbnail, and retrieve the
images by on the query generation.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

MPEP 2106 IV. B.2. (b)

A claim that requires one or more acts to be performed defines a process. However, not all processes are statutory under 35 U.S.C. 101. Schrader, 22 F.3d at 296, 30 USPQ2d at 1460. To be statutory, a claimed computer-related process must either: (A) result in a physical transformation outside the computer for which a practical application in the technological arts is either disclosed in the specification or would have been known to a skilled artisan, or (B) be limited to a practical application within the technological arts.

3.   Regarding claims 37-47 in view of the above cited MPEP section, are not statutory because they merely recite a number of computing steps without producing any tangible result and/or being limited to a practical application within the technological arts. The claim recites "wherein said processor is adapted to: receive user inputs from said user interface...." is the intended of use. The processor does not perform the computing step. Once the computing steps are not performed; therefore, there is no tangible result and/or being limited to a practical application within the technological arts.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being

incomplete for omitting essential steps, such omission amounting to a gap between the

steps. See MPEP § 2172.01. The omitted steps are: "creating a filter data table".

Claims 2-14 are depended on claim 11 and 26-36 are depended on claim 25;

therefore, claims 2-12 and 26-36 are rejected under the same reason as to claims 1 and

25..

Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Claim 1 recites "that" in line 3 and claim 15 recites "that" in line 11 render

indefinite because what "that" is should be set forth in the claim.

Claims 2-14 and 16-24 are depended on claims 1 and 15; therefore, claim 1-14

and 16-24 are rejected under the same reason as to claim 1 and 15.

Claim 25 recites the limitation "the selected data grouping" in line 11 and "said

filtered data table" in line 11. There is insufficient antecedent basis for this limitation in

the claim.

Claims 26-36 are rejected under the same reason as to claim 25.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5.   Claims 1-2 and 4-14 and 37-48 are rejected under 35 U.S.C. 102(e) as being

anticipated by Shiiyama et al. (US. Patent No. 6,247,009 B1).

Regarding on claim 1, Shiiyama teaches a computer-implemented information

retrieval method, comprising the steps of:

Accepting a user input that selects or deselect at least one of a plurality of data

grouping within a filter tree table said data grouping being associated with a plurality of

data items in an unfiltered data table (selecting an image for a search) (col. 9, lines 25-

28).

Generating a filtering query by including at least one query operator, based on

the selected data groupings of a filter tree table (col. 9, lines 30-35);

Running said filtering query against said unfiltered data table (col. 9, lines 33-36);

populating a filtered data table with said plurality of filter data item (col. 9, lines

29-30);

Displaying filtered data table (display the search result) (col. 9, lines 58-59) and

said filter tree table (col. 7, lines 45-46);

Regarding on claim 2, Shiiyama teaches selecting one or more data sets

automatically or in response to a user input (col. 9, lines 30-31);

Receiving a plurality of data items from said one or more data sets (col. 9, lines 35-40)

Creating said unfiltered data table (col. 9, lines 45-62);

Displaying said unfiltered data table (col. 7, lines 45-62); and

Updating said filter tree table with said selectable data groupings associated with said plurality of data items (col. 7, lines 45-62).

Regarding on claim 3, Shiiyama teaches generating a summary query from selected data grouping of said filter tree table (col. 9, lines 54-62);

Running said summary query against said filtered data table (col. 9, lines 54-62);

Generating a summary result comprising a data item count for each selected data grouping (col. 9, lines 54-62); and

Updating said filter tree table with said summary result (col. 9, lines 54-62).

Regarding on claim 4, Shiiyama teaches the step of generating one or more data item results in response to said summary query (col. 9, lines 56-61).

Regarding on claim 5, Shiiyama teaches a preliminary step of selecting a data set (col. 9, lines 29-31).

Regarding on claim 6, Shiiyama teaches data set comprises a database (database collection 230) (col. 9, lines 25-26).

Regarding on claim 7, Shiiyama teaches data set comprises one or more data tables (database stores images) (col. 9, lines 29-31).

Regarding on claim 8, Shiiyama teaches a first filter level of said filter tree table corresponding to a column in said data set (fig. 3).

Regarding on claim 9, Shiiyama teaches the step of displaying a data item count for a particular data grouping (col. 9, lines 50-51).

Regarding on claim 10, Shiiyama teaches the step of displaying a data item count for a particular data grouping and updating all data items counts upon a data grouping selection or de-selection by said user (col. 9, lines 54-61).

Regarding on claim 11, Shiiyama teaches all data grouping are automatically recalculated upon a selection or de-selection by said user (col. 9, lines 58-61).

Regarding on claim 12, Shiiyama teaches generating a filtering query step includes creating said filtering query based on selected data groupings (col. 9, lines 29-31).

Regarding on claim 13, Shiiyama teaches filtering query is a SQL query (col. 97, lines 33-35).

Regarding on claim 14, Shiiyama teaches accepting a user input includes a user clicking on a selection icon, with said selection icon corresponding to a predetermined data grouping (col. 9, lines 57-62).

Claim 37 is rejected under the same reason as claim 1.

Regarding on claim 38, Shiiyama teaches information retrieval apparatus comprises a data server accessible to clients in a client-server arrangement (col. 12, lines 45-51).

Regarding on claim 39, Shiiyama teaches a user computer that further includes input and output devices (display) (col. 9, lines 29-30).

Regarding on claim 40, Shiiyama teaches a data source interface communicating with said processor and capable of receiving data from one or more external data sources (col. 11, lines 54-57).

Regarding on claim 41, Shiiyama teaches a data source interface communicating with said processor and capable of receiving data from one or more external data source, and wherein said data source interface is capable of translating received data items into a predetermined data format (col. 11, lines 54-57).

Regarding on claim 42, Shiiyama teaches at least one internal data source communicating with said processor (image database communication to the search system retrieve images in response to an input) (col. 9, lines 29-35).

Regarding on claim 43, Shiiyama teaches filter tree table is adapted to store data item counts corresponding to each data grouping (col. 7, lines 45-62).

Regarding on claim 44, Shiiyama teaches filter tree table is adapted to store data item results corresponding to each data grouping (col. 9, lines 20-25).

Regarding on claim 45, Shiiyama teaches processor is adapted to generate a display of one or more data items corresponding to selected data groupings in said filter tree table (col. 9, lines 20-25).

Regarding on claim 46, Shiiyama teaches processor is adapted to generate a display of a parameter filter comprising data grouping stored in said filter tree table (sort) (col. 9, lines 20-25).

Regarding on claim 47, Shiiyama processor is adapted to generate a display of a parametric filter, comprising data grouping and data item counts stored in said filter tree table (search result) (col. 9, lines 50-51).

Regarding on claim 48, Shiiyama processor is adapted to generate a display of a parametric filter comprising data grouping and data item results stored in said filter tree table (col. 9, lines 50-51).

Conclusion

6.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Baoquoc N. To whose telephone number is at 571-272-4041 or via e-mail BaoquocN.To@uspto.gov. The examiner can normally be reached on Monday-Friday: 8:00 AM – 4:30 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached at 571-272-4107.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

   Commissioner of Patents and Trademarks

   Washington, D.C. 20231.

The fax numbers for the organization where this application or proceeding is assigned are as follow:

   (703) 872-9306 [Official Communication]

Baoquoc N. To
June 11th, 2006

JEAN M. CORRIELUS
PRIMARY EXAMINER